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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,371	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.737	5132

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HOWISON, THOMA & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS, TX 75374-1715

EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 11/27/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/382,371

Applicant(s)

PHILYAW ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This Action is in response to the communication received on 12 September 2002.
2. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hudetz et al.** US patent no. **6,199,048 B1**.

5. As to claim 1, Hudetz teaches the invention as claimed, including a method for interconnecting a user's location to a destination location on a network (Fig. 1, computer 28 to remote node 24 or 26 on communication link 50), comprising the steps of:

receiving unique information (Fig. 3, the product 's UPC) at the user's location, which unique information has no associated routing information embedded therein (to access a network resource relating to a particular product, the user swipes a bar code reader across the product's UPC symbol, col. 3, lines 31-34; col. 11, 30-42);

returning network routing information, associated with the received unique information, from a database to the user's location in response to receipt of the unique

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information (the database then retrieves the URL corresponding to the UPC product data, col. 3, lines 33-35; col. 11, lines 30-42); and

interconnecting, in response to the step of returning and without user intervention (browser software in local host can automatically load the retrieved URL and point the user to the site corresponding to that URL, col. 9, lines 55-65), the user's location to the destination location across the network in accordance with the network routing information (this location information is then used to access the desired resource on the network, col. 3, lines 35-37; col. 4, line 64 - col. 5, line 65; col. 9, lines 55-65; col. 11, lines 4-30).

6. As to claim 2, Hudetz teaches the network comprises a global communication network (Internet, Fig. 1, internet 20).

7. As to claim 3, Hudetz teaches the step of receiving the unique information comprises receiving machine readable code having unique information embedded therein (Abstract, Figs. 1, 2, item 46).

8. As to claim 4, Hudetz teaches the step of receiving the machine readable code comprises scanning the machine readable code, decoding the machine readable code and outputting the information encoded within the machine readable code (Abstract, col. 6, lines 59-67; col. 12, lines 1-23).

9. As to claim 5, Hudetz teaches wherein the machine readable code comprises a product code, which product code is fixedly associated with an associated product (Figs. 1-3, item 46; col. 6, lines 59-67).

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10. As to claim 6, Hudetz teaches wherein the product code comprises a barcode (Figs. 1-3, item 46).

11. As to claim 7, Hudetz teaches wherein the product code comprises an ISBN number associated with printed materials (col. 10, lines 1-3).

12. As to claim 8, Hudetz teaches wherein the product code comprises an EAN barcode (col. 10, lines 1-3).

13. As to claim 9, Hudetz teaches further comprising the step of receiving from the destination location at the user location display information generated by the destination location which is displayed to the user at the user location (col. 9, lines 5-20).

14. As to claim 10, Hudetz teaches the step of returning comprises:
forwarding the unique information to an intermediate location (service provider) on the network in response to the step of receiving the unique information (col. 11, lines 30-42);

comparing the received unique information at the intermediate location with a database of routing information, which database of routing information includes a plurality of associative relationships between predetermined unique information and locations of various destination locations on the network (Fig. 4); and

if an association between the received unique information and routing information on any of a plurality of destination locations on the network exists within the database, returning the associated routing information back to the user location for effecting a network connection to the destination location indicated by the routing information (Fig. 5, boxes 88, 90; col. 9, lines 55-65).

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15. As to claim 11, Hudetz teaches wherein the steps of returning and interconnecting include the step of activating a web browser program which facilitates the interconnection over the network in response to receiving the unique information, which web browser program is operable to at least provide the interconnection of the user location to the destination location in accordance with the associated routing information (col. 10, lines 58-67; col. 11, lines 1-23).

16. As to claim 12, Hudetz teaches the invention as claimed, including a system for launching a web browser on a network, comprising:

a computer (computer 28) having a scanner input interface (box 38) and a communication interface (modem 36) coupled to a computer network (link 50 (Fig. 1);

a scanner having an output coupled to said input interface for outputting a signal representing information encoded as machine readable code when said code is scanned by said scanner (Figs. 1, 2 item 44); and

a program (web browser software) responsive to said signal output from said scanner for establishing and managing connection of said computer without user intervention to a web site accessible on said computer network (col. 10, lines 58-67; col. 11, lines 1-3).

17. As to claim 13, Hudetz teaches said input interface comprises:

a circuit for converting said signal output from said scanner into digital form for processing by said computer (col. 8, lines 40-46).

18. As to claim 14, Hudetz teaches said communication interface comprises:

a modem (Fig. 1, item 36) for converting digital signals processed by said computer for transmission on said network and for converting signals received from said network into digital form for processing by said computer.

19. As to claim 15, Hudetz teaches computer network comprises: a global communications network for interconnecting a plurality of computer systems and private or commercial networks (internet and ISP).

20. As to claim 16, Hudetz teaches said scanner comprises: a housing containing means for reading said machine readable code (barcode reader, scanner, Fig. 1, item 44).

21. Claim 17 is substantially the same as claims 6-8 and is thus rejected for reason similar to those in rejection claims 6-8.

22. As to claim 18, Hudetz teaches said program comprises:

a browser program comprising a hypertext-linked application for selectively accessing information stored in a plurality of databases (web servers) located at a plurality of web sites (service provider) on said network (col. 7, lines 1-67; col. 8, lines 1-10);

means for utilizing product information encoded in said machine readable code to create a message packet for linking said computer with a web site on said network operated by a manufacturer or distributor identified by said product information (Fig. 4; col. 7, lines 1-67; col. 8, lines 1-10; Fig. 10, col. 11, lines 43-64);

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means for launching said browser on said computer according to routing information obtained by said means for utilizing (Fig. 5, col. 8, lines 21-67; col. 9, lines 1-20); wherein

said browser is connected to said web site operated by said manufacturer or distributor (Fig. 10, col. 11, lines 55-65).

23. Claims 19-23 recite a method of operation corresponding to the system of claims 12-16. The method of operation claimed is obvious in that it simply follows the logical implementation of the system indicated in the referenced claims to perform each of the logical steps of remotely launching a web site by scanning a machine readable code system that results from the combination of the references discussed above regarding the claims to the system. Thus, the method of operation described in claims 19-23 would have been obvious in view of the elements provided in the combination of the references, which correspond to the steps in the system for the same reasons discussed above regarding claims 12-16.

24. Applicant's arguments and amendments filed on 17 April 2002 have been fully considered but they are not deemed fully persuasive.

25. In the remark, the Applicant argued in substance that

(A) Prior art does not teach "establishing a connection from the user's computer to a destination on a network without user invention".

As to point (A), Hudetz teaches browser software in local host can automatically load the retrieved URL and point the user to the site corresponding to that URL, (Hudetz, col. 9, lines 55-65).

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 7:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800/4700.

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Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20131

or faxed to:

(703) 746-7239, (for **formal communications**; please mark
"EXPEDITE PROCEDURE").

or:

(703) 746-7240 (for **informal or draft communications**, please
label "PROPOSED " or "DRAFT").

Or:

(703) 746-7238 (for After Final communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

KENNETH R. COULTER
PRIMARY EXAMINER


Hai V. Nguyen
Examiner
Art Unit 2142

